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JUL 1, 2021	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDDIE JOE PEREZ,

Defendant.

2:20-CR-251-RFB-VCF

Preliminary Order of Forfeiture

This Court finds Eddie Joe Perez pled guilty to Counts One and Two of a Two-Count Criminal Indictment charging him in Count One with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) and in Count Two with possession of a controlled substance with intent to distribute in violation of 21 U.S.C. § 841(a)(1). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 33; Memorandum in Support of Guilty Plea, ECF No. 27.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Memorandum in Support of Plea and the Forfeiture Allegations of the Criminal Indictment and the offenses to which Eddie Joe Perez pled guilty.

The following property is (1) any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1) or any firearm or ammunition involved in or used in any violation of any other criminal law of the United States, 21 U.S.C. § 841(a)(1); (2) any firearm or ammunition intended to be used in any offense punishable under the Controlled Substances Act, 21 U.S.C. § 841(a)(1); (3) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of 21 U.S.C. § 841(a)(1); or (4) any firearm used or intended to be used to facilitate the transportation, sale,

1 receipt, possession, or concealment of property described in 21 U.S.C. § 881(a)(1) and
2 881(a)(2), in violation of 21 U.S.C. § 841(a)(1) and any proceeds traceable to such property
3 and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c), 18
4 U.S.C. § 924(d)(1), (2)(C), and (3)(B) with 28 U.S.C. § 2461(c), 21 U.S.C. § 853(a)(2), and
5 21 U.S.C. § 881(a)(11) with 28 U.S.C. § 2461(c):

- 6 1. a Smith & Wesson Model SW9VE 9mm handgun bearing serial number
7 PBV9538; and
- 8 2. any and all compatible ammunition
9 (all of which constitutes property).

10 This Court finds that on the government's motion, the Court may at any time enter
11 an order of forfeiture or amend an existing order of forfeiture to include subsequently
12 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
13 32.2(b)(2)(C).

14 This Court finds the United States of America is now entitled to, and should, reduce
15 the aforementioned property to the possession of the United States of America.

16 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
17 DECREED that the United States of America should seize the aforementioned property.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
19 rights, ownership rights, and all rights, titles, and interests of Eddie Joe Perez in the
20 aforementioned property are forfeited and are vested in the United States of America and
21 shall be safely held by the United States of America until further order of the Court.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
23 of America shall publish for at least thirty (30) consecutive days on the official internet
24 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
25 describe the forfeited property, state the time under the applicable statute when a petition
26 contesting the forfeiture must be filed, and state the name and contact information for the
27 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
28 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,

1 the government may instead serve every person reasonably identified as a potential claimant
2 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.
3 Rule G(4)(a)(i)(A).

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
5 or entity who claims an interest in the aforementioned property must file a petition for a
6 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
7 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
8 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
9 right, title, or interest in the forfeited property and any additional facts supporting the
10 petitioner's petition and the relief sought.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
12 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
13 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
14 not sent, no later than sixty (60) days after the first day of the publication on the official
15 internet government forfeiture site, www.forfeiture.gov.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
17 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
18 Attorney's Office at the following address at the time of filing:

19 Daniel D. Hollingsworth
20 Assistant United States Attorney
21 James A. Blum
22 Assistant United States Attorney
23 501 Las Vegas Boulevard South, Suite 1100
24 Las Vegas, Nevada 89101.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
26 described herein need not be published in the event a Declaration of Forfeiture is issued by
27 the appropriate agency following publication of notice of seizure and intent to
28 administratively forfeit the above-described property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED July 1, 2021.

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RICHARD F. BOULWARE, II
7 UNITED STATES DISTRICT JUDGE
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